

## **WORKSHOP: Democratic Backsliding in Europe: Theoretical and empirical approaches**

### Nature and objectives of the pre-conference workshop:

Democratic backsliding has emerged as a core challenge to European politics in both theoretical and practical terms in that it challenges the EU's foundational values and the basis for cooperation at the European level. The reversal of initially successful democratic reforms among several Central and East European member states poses an important empirical puzzle for the literature on EU enlargement and raises key normative questions on the EU's authority and legitimacy in responding to democratic backsliding.

As an issue of direct practical and policy interest, democratic backsliding in the EU is an area of study where the empirical assessment of the trends and causes of backsliding tie in closely with the doctrinal analysis of the scope of possible actions to combat backsliding, the theoretical study of the nature of backsliding, and the normative evaluation of policies responding to such developments. As such, it is particularly enriching to debate EU backsliding with scholars using different methodologies and theoretical approaches. This workshop facilitates this debate.

The proposed workshop will therefore bring together a group of scholars from different methodological traditions around the theme of democratic backsliding in Europe. The workshop aims to facilitate an exchange between scholars using either empirical or theoretical methodologies to study democratic backsliding in Europe. It thus brings together two perspectives that typically remain divorced in the literature. The aim is for papers from the workshop to feed into a joint special issue for an academic journal.

The workshop targets primarily early career scholars (advanced PhD students, Postdocs, Assistant Professors) and will allow participants to receive in-depth feedback on previously circulated draft papers. The papers have also been proposed in various panels for the main conference.

The format of the workshop will be the discussion of 8 pre-circulated papers, which have been pre-selected.

### Envisaged participants:

- Jan Pieter Beetz, Assistant Professor, Utrecht University
- Licia Cianetti, Postdoctoral researcher, Royal Holloway
- Francisca Costa Reis, PhD candidate, KU Leuven
- Adam Holesch, Postdoctoral researcher, Institut Barcelona d'Estudis Internacionals
- Alvaro Oleart, Postdoctoral researcher, VU Amsterdam
- Kolja Raube, Assistant Professor, KU Leuven
- Antoinette Scherz, Postdoctoral researcher, University of Oslo
- Tom Theuns, Assistant Professor, Leiden University (organiser)
- Fabio Wolkenstein, Assistant Professor, Aarhus University
- Natasha Wunsch, Assistant Professor, Sciences Po Paris

Abstracts of the eight papers are presented in the annex.

## Budget

Travel to and from the workshop: 10 participants, European travel c. €250 pp	= €2.500
Hotel, one night (3 <sup>rd</sup> of June): 10 participants c. €100 pp	= €1.000
Workshop dinner: 10 participants c. €40 pp	= €400
Coffee/tea break: 10 participants c. € 5 pp	= €50
Total funding requested:	= €3.950

## Annex: Paper abstracts

1. Should the European Union protect liberal democracy in its member states?  
Jan Pieter Beetz

Should the European Union (EU) intervene to protect liberal democracy in member states? And, if so, what type of policy should it adopt? The literature in EU-studies focuses on empirical dimensions of this problem, such as the degree of backsliding, effectiveness of existing procedures, and support of political agents within these procedures. Our paper will evaluate the legitimacy of different policy alternatives from a practice-dependent perspective. It contributes a novel, normative perspective grounded in reality. As such it also is a bridge between empirical research and an emerging normative literature on the EU's right to intervene in cases of democratic backsliding. Our study departs from the premise that collective rule should reflect the beliefs of the subjects living under it. Normative principles should thus not be wrested from the context they are seeking to guide, they should, rather, be developed through an engagement with it. As such, the relation between action-guiding principles and the political or social realm they are seeking to guide is not just a question of implementation, but rather a question of justification. We adopt a practice-dependent method to gauge the normative desirability of policy alternatives. In the first stage, we built on insights about the EU's legitimacy. We submit that a widespread commitment to liberal democratic values has to be balanced with a commitment to national autonomy that exists in the EU-polity. This commitment implies that the EU should intervene to remain legitimate. Are there policy proposals that meet or at least balance these normative criteria? In the second stage, we assess thus proposals on meeting normative criteria as well as practical feasibility. A policy might meet certain values however if it is unfeasible than the political order will not remain legitimate. For our feasibility assessment, we rely upon evidence from history and social sciences. We conclude that a policy mix that combines direct support for societal actors as well as intergovernmental deliberation best meet normative criteria. A credible threat to meet these criteria is expulsion. From the perspective of regime legitimacy, the EU should pursue such a 'transnational policy' on democratic backsliding.

2. What's Wrong with (CEE) Democracies?  
Licia Cianetti (co-authored with Sean Hanley)

Central and Eastern Europe (CEE) had previously attracted academic attention for having embarked in an unprecedented (in terms of both its speed and success) process of democratisation, but is now at the centre of populist and nativist political transformations that are putting the previous narrative of democratic success under question. As "democratisation" had been the inescapable framework for all studies of Eastern Europe until just a few years ago, now "backsliding" colours all discussions of the region. This paper takes the backsliding debate as a starting point, but proposes a triple conceptual refinement of it. First, it reiterates the need to distinguish between backsliding and hollowing, as proposed by Béla Greskovits (2015). Second, it proposes a distinction between static features of low-quality democracies and dynamic processes of de-democratisation, to clarify the baseline against which processes of backsliding and hollowing are assessed. And third, it proposes to separate supply-side and demand-side aspects of both backsliding and hollowing, to avoid definitions that bunch up together people-led and elite-led phenomena that might well have different causes and effects. This triple distinction results in a conceptual matrix that will allow for discussions of democratic backsliding that are at the same time more conceptually focused (distinguishing it from other "syndromes" that might be better described by other labels) and more geographically extensive (i.e. able to compare cross-regionally). It also opens up the possibility of discussing more systematically the relationships between different dimensions of the current democratic malaise.

3. Mission Impossible? Can EU Actors Respond to a Democracy and Rule of Law Crisis?  
Francisca Costa Reis and Kolja Raube

The emerging democracy and rule of law backsliding in various Member States of the European Union (EU) has called the EU as 'order' into question. How does the EU respond to these fundamental challenges that are due to undermine its political order? Rather than analysing empirically how the EU responds, this paper seeks to add a theoretical contribution by enquiring into how we can conceptualize EU actor responses to the unfolding crisis. Through a conceptual approach linking normative and EU integration theories and their projection of actor-centred crisis-response, we seek to show how we can best understand actor responses in times of EU crisis. Relying on these theoretical insights, the paper will not only be able to add to ongoing debates about if and how the EU (i.e. its institutional actors) is able to respond to crises that threaten its fundamental values and integrative order, but also if the respective responses meet normative expectations of how actors within the EU should respond.

4. Democratic backsliding in Poland – The role of the EU  
Adam Holesch

Most of the studies examining democratic backsliding in Eastern and Central Europe analysed the role of the EU asking whether it has prevented or contributed to democratic backsliding (Bozóki and Hegedűs, 2018; Closa, 2019; Halmai, 2019; Kelemen, 2017, 2020). In my article I contribute to this literature by analysing the backsliding dynamics in Poland. I show that the fast reaction of the EU since 2016 through different channels such as different infringement procedures or the activation of Article 7 proceedings has slowed down the backsliding dynamics on different levels. First, the pressure of the European Court of Justice pushed the PiS government to take back some of the controversial judicial reforms. Second, due to the discussion around the activation of Art.7 by the European Commission and a possible "Polexit", the PiS government, whose voters are the main beneficiaries of the EU Regional Policy, had to ease its EU-sceptical narrative. Even if the Rule of Law (RoL) crises in Poland still goes on, due to these dynamics Poland will probably not backslide towards the Hungarian version of half-authoritarianism.

5. (Mis)Measuring Populism and Anti-pluralism: the need for a context and time-sensitive approach  
Alvaro Oleart and Tom Theuns

In this article, we challenge the conceptual lens used in quantitative empirical research on populism and populist attitudes, and we suggest an alternative approach that is both context-dependent and time-sensitive. One problem with the quantitative coding and comparison of supposedly populist actors is that it can mistakenly group legitimate pluralistic contestation that follows a political logic of a 'corrupt elite' and a 'people' with anti-pluralistic rhetoric drawing on the idea of a 'homogeneous people'. In short, in contexts where elites are corrupt and self-serving, it is not (always) anti-pluralistic to draw attention to this fact. The political context in which populism appears thus requires a more qualitative approach that interprets particular populist actors in their own context. The second problematic feature about how populism is conceptualised in quantitative empirical research is the lack of a temporal perspective. Quantitative research on populism often overlooks what might be called the 'populist trajectory', or the 'conditioning' of populist parties (Crum et al. forthcoming). As political actors evolve over time, a time-sensitive approach is necessary in order to track how parties evolve. When parties become part of the government, such as is the case of Orbán in Hungary, PiS in Poland, Syriza in Greece or Podemos in Spain, the degree to which they fit measures of populism also changes. It is difficult for governing parties to maintain stridently anti-elitist rhetoric, for instance. Yet, lowering scores for

populist attitudes do not tell us if these actors ramp up or tone down any anti-pluralistic tendencies. Not only is the quantitative measuring of populist actors sometimes misleading in confusing context-dependent and legitimate political concerns with an anti-elitist and 'Manichean' ideology, there is a further normative worry with using such measures as shorthand for anti-pluralistic politics: populism can be both pro and anti-democratic, and we shouldn't overlook how some populist parties have actually contributed to democratic pluralism by widening political debate and pulling apart the 'radical centre' (Giddens 1994)

6. How should the EU respond to democratic backsliding? Normative considerations on expulsion and suspension of voting on the basis of multilateral democracy  
Antoinette Scherz

How should the European Union respond to democratic backsliding in its member states? Against the background of the developments in Hungary and Poland, the risk of democratic backsliding on the domestic level is cast as the real threat to democracy in the EU. However, recent contributions to this discussion often focus on the feasibility and effectiveness of reactions of the EU. This overlooks the more fundamental normative question of whether the EU should in fact address these domestic issues and if so through which means. This article addresses this question on the basis of multilateral democracy (or *demoicracy*) as an ideal theory for the EU. Multilateral democracy is a voluntary association between several democratic peoples. Peoples in multilateral democracy are defined by a democratic structure including rule of law while certain variations in their internal organisation have to be respected. However, if a member of the multilateral union falls below threshold of this democratic structure its people is no longer a democratic agent whose representatives require equal respect. Allowing the representatives of this state to participate in the legislation of the union means subjecting the other peoples and their citizens to domination by non-democratically accountable representatives. Yet, since the citizens of the backsliding state are also recognised as equal members in multilateral democracy their legal protection and participation rights should be sustained. Therefore, multilateral democracy prefers the suspension of voting rights of state representatives to expulsion from the union. In order to make this case the paper discusses first, the objection to the suspension of voting rights as undemocratic, and second, whether expulsion needs to be the ultimate sanction available to multilateral democracy.

7. From philosophical anti-liberalism to political illiberalism: Christian Democracy and democratic backsliding  
Fabio Wolkenstein

Democratic backsliding, the state-led debilitation or elimination of the political institutions that sustain an existing democracy, has become a major object of concern within the European Union. The most widely-discussed cases are Hungary and Poland, two countries that are governed by conservative parties that put strong emphasis on traditional Catholic values, and, at least in the case of the Hungarian Fidesz party, also associate with other European Christian Democratic parties. This paper addresses the under-explored link between Christian Democratic ideology and democratic backsliding, asking whether recent illiberal shifts are consistent with Christian Democratic doctrine, as (for instance) the Hungarian prime minister Viktor Orbán insists. The paper shows that arguments such as Orbán's are not easily dismissed, given that Christian Democracy originally rests on a distinctively Catholic political philosophy that identifies not just communism

but also liberalism as a major threat to European civilisation, and emphatically seeks to distinguish itself from those ‘materialist’ ideologies. However, as the post-war history of European Christian Democracy illustrates, one can retain a belief in philosophical anti-liberalism while accepting political institutions that may broadly be called ‘liberal’; philosophical anti-liberalism does not necessarily call for the ‘illiberal democracy’ that the Hungarian and Polish governments seek to realise. But it is also true that philosophical anti-liberalism does not rule out political illiberalism, and in this light, it is perhaps unsurprising that Christian Democrats for decades have supported outspokenly illiberal forces or even integrated them into their wider party family. Reconstructing this history of support and integration, the paper sheds light on the deeper ideological connections between Christian Democracy and democratic backsliding, as well as illuminating the ideational underpinnings of the powerful alliance between Orbán’s Fidesz party and the European People’s Party.

#### 8. Natasha Wunsch (co-authored with Antoaneta Dimitrova)

Amidst growing interest in the rise of authoritarian regimes and their mounting influence, this article investigates the role and impact of the changed international context upon democracy promotion efforts. Whereas democracy promotion and democratic diffusion went hand in hand during the 1990s and early 2000s, we contend that authoritarian diffusion meanwhile acts as a countervailing force for democracy promotion efforts by the EU and other international actors. We propose an analytical framework that puts domestic elites at the centre and conceptualizes their response to and interaction with both democratic and authoritarian diffusion. Bridging findings from studies on the international dimension of authoritarianism with the recent literature on democratic backsliding, we argue that elites in hybrid regimes respond to both authoritarian and democratic actors from abroad. We suggest that their embeddedness into the domestic economic environment, and particularly rent-seeking, determine their response to dual external influences, making them less vulnerable to pressures from either side. We illustrate our argument by drawing on empirical evidence from the European context, but also beyond. Our article feeds into debates about diffusion and (de-)democratisation and puts forward a framework that can be used to incorporate transnational dynamics into empirical analyses of the limited effectiveness of international democracy promotion.